

106TH CONGRESS
1ST SESSION

S. 1453

To facilitate famine relief efforts and a comprehensive solution to the war
in Sudan.

IN THE SENATE OF THE UNITED STATES

JULY 28, 1999

Mr. FRIST (for himself, Mr. FEINGOLD, Mr. BROWNBACK, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To facilitate famine relief efforts and a comprehensive
solution to the war in Sudan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sudan Peace Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) With clear indications that the Government
8 of Sudan intends to intensify its prosecution of the
9 war against areas outside of its control, which has
10 already cost nearly 2,000,000 lives and has displaced

1 more than 4,000,000, a sustained and coordinated
2 international effort to pressure combatants to end
3 hostilities and to address the roots of the conflict of-
4 fers the best opportunity for a comprehensive solu-
5 tion to the continuing war in Sudan.

6 (2) A viable, comprehensive, and internationally
7 sponsored peace process, protected from manipula-
8 tion, presents the best chance for a permanent reso-
9 lution of the war, protection of human rights, and
10 a self-sustaining Sudan.

11 (3) Continued strengthening of humanitarian
12 relief operations in Sudan is an essential element in
13 the effort to bring an end to the war.

14 (4) Continued leadership by the United States
15 is critical.

16 (5) Regardless of the future political status of
17 the areas of Sudan outside of the control of the Gov-
18 ernment of Sudan, the absence of credible civil au-
19 thority and institutions is a major impediment to
20 achieving self-sustenance by the Sudanese people
21 and to meaningful progress toward a viable peace
22 process.

23 (6) Through manipulation of traditional rival-
24 ries among peoples in areas outside their full con-
25 trol, the Government of Sudan has effectively used

1 divide and conquer techniques to subjugate their
2 population, and Congress finds that internationally
3 sponsored reconciliation efforts have played a critical
4 role in reducing the tactic's effectiveness and human
5 suffering.

6 (7) The Government of Sudan is increasingly
7 utilizing and organizing militias, Popular Defense
8 Forces, and other irregular troops for raiding and
9 slaving parties in areas outside of the control of the
10 Government of Sudan in an effort to severely disrupt
11 the ability of those populations to sustain them-
12 selves. The tactic is designed to replace the overt use
13 of bans on air transport relief flights in prosecuting
14 the war through selective starvation and to minimize
15 the Government of Sudan's accountability inter-
16 nationally.

17 (8) The Government of Sudan has repeatedly
18 stated that it intends to use the expected proceeds
19 from future oil sales to increase the tempo and
20 lethality of the war against the areas outside its con-
21 trol.

22 (9) Through its power to veto plans for air
23 transport flights under the United Nations relief op-
24 eration, Operation Lifeline Sudan (OLS), the Gov-
25 ernment of Sudan has been able to manipulate the

1 receipt of food aid by the Sudanese people from the
2 United States and other donor countries as a dev-
3 astating weapon of war in the ongoing effort by the
4 Government of Sudan to subdue areas of Sudan out-
5 side of the Government's control.

6 (10) The United States and other donors' ef-
7 forts in delivering relief and assistance through
8 means outside OLS have played a critical role in ad-
9 dressing the deficiencies in OLS and offset the Gov-
10 ernment of Sudan's manipulation of food donations
11 to advantage in the civil war in Sudan.

12 (11) While the immediate needs of selected
13 areas in Sudan facing starvation have been ad-
14 dressed in the near term, the population in areas of
15 Sudan outside of the control of the Government of
16 Sudan are still in danger of extreme disruption of
17 their ability to sustain themselves.

18 (12) The Nuba Mountains and many areas in
19 Bahr al Ghazal, Upper Nile, and southern Blue Nile
20 regions have been excluded completely from relief
21 distribution by OLS, consequently placing their pop-
22 ulations at increased risk of famine.

23 (13) At a cost of more than \$1,000,000 per
24 day, and with a primary focus on providing only for
25 the immediate food needs of the recipients, the cur-

1 rent international relief operations are neither sus-
2 tainable nor desirable in the long term.

3 (14) The ability of populations to defend them-
4 selves against attack in areas outside the Govern-
5 ment of Sudan's control has been severely com-
6 promised by the disengagement of the front-line
7 sponsor states, fostering the belief within officials of
8 the Government of Sudan that success on the battle-
9 field will be achieved.

10 (15) The United States should use all means of
11 pressure available to facilitate a comprehensive solu-
12 tion to the war, including—

13 (A) the maintenance or strengthening of
14 sanctions against the Government of Sudan;

15 (B) the support or creation of viable demo-
16 cratic civil authority and institutions in areas of
17 Sudan outside government control;

18 (C) continued active support of people-to-
19 people reconciliation mechanisms and efforts in
20 areas outside of government control;

21 (D) the strengthening of the mechanisms
22 to provide relief to those areas;

23 (E) cooperation among the trading part-
24 ners of the United States and within multilat-
25 eral institutions toward those ends; and

1 (F) the use of any and all possible unilat-
2 eral and multilateral economic and diplomatic
3 means to compel Ethiopia and Eritrea to end
4 their hostilities and again assume a constructive
5 stance toward facilitating a comprehensive solu-
6 tion to the ongoing war in Sudan.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) GOVERNMENT OF SUDAN.—The term “Gov-
10 ernment of Sudan” means the National Islamic
11 Front government in Khartoum, Sudan.

12 (2) IGAD.—The term “IGAD” means the
13 Inter-Governmental Authority on Development.

14 (3) OLS.—The term “OLS” means the United
15 Nations relief operation carried out by UNICEF and
16 the World Food Program known as “Operation Life-
17 line Sudan”.

18 **SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN**
19 **RIGHTS ABUSES, AND NEW TACTICS BY THE**
20 **GOVERNMENT OF SUDAN.**

21 Congress hereby—

22 (1) condemns—

23 (A) violations of human rights on all sides
24 of the conflict in Sudan;

1 (B) the Government of Sudan’s overall
2 human rights record, with regard to both the
3 prosecution of the war and the denial of basic
4 human and political rights to all Sudanese;

5 (C) the ongoing slave trade in Sudan and
6 the role of the Government of Sudan in abet-
7 ting and tolerating the practice; and

8 (D) the Government of Sudan’s increasing
9 use and organization of “murahalliin”, Popular
10 Defense Forces (PDF), and regular Sudanese
11 Army units into organized and coordinated
12 raiding and slaving parties in Bahr al Ghazal,
13 the Nuba Mountains, Upper Nile, and southern
14 Blue Nile regions; and

15 (2) recognizes that, along with selective bans on
16 air transport relief flights by the Government of
17 Sudan, the use of raiding and slaving parties has
18 largely replaced total bans on such flights as the pri-
19 mary tool for creating food shortages and is used as
20 a systematic means to destroy the societies, culture,
21 and economies of the Dinka and Nuba peoples in a
22 policy of low-intensity ethnic cleansing.

23 **SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.**

24 (a) SENSE OF CONGRESS.—Congress hereby—

1 (1) declares its support for the efforts by execu-
2 tive branch officials of the United States to lead in
3 a reinvigoration of the IGAD-sponsored peace proc-
4 ess;

5 (2) calls on IGAD member states, the European
6 Union, the Organization of African Unity, Egypt,
7 and other key states to support the peace process;
8 and

9 (3) urges Kenya's leadership in the implementa-
10 tion of the process.

11 (b) RELATION TO UNITED STATES DIPLOMACY.—It
12 is the sense of Congress that any such diplomatic efforts
13 toward resolution of the conflict in Sudan are best made
14 through IGAD and that the President must not create any
15 process or diplomatic facility or office which could be
16 viewed as a parallel or competing diplomatic track.

17 (c) UNITED STATES DIPLOMATIC SUPPORT.—The
18 Secretary of State is authorized to utilize the personnel
19 of the Department of State for the support of—

20 (1) the secretariat of IGAD;

21 (2) the ongoing negotiations between the Gov-
22 ernment of Sudan and opposition forces;

23 (3) any peace settlement planning to be carried
24 out by the National Democratic Alliance and IGAD
25 Partners' Forum (IPF); and

1 (4) other United States diplomatic efforts with
2 respect to Sudan.

3 **SEC. 6. INCREASED PRESSURE ON COMBATANTS.**

4 It is the sense of Congress that the President, acting
5 through the United States Permanent Representative to
6 the United Nations, should—

7 (1) sponsor a resolution in the United Nations
8 Security Council to investigate the practice of slav-
9 ery in Sudan and provide recommendations on meas-
10 ures for its eventual elimination;

11 (2) sponsor a condemnation of the human
12 rights practices of the Government of Sudan at the
13 United Nations conference on human rights in Gene-
14 va in 2000;

15 (3) press for implementation of the rec-
16 ommendations of the United Nations Special
17 Rapporteur for Sudan with respect to human rights
18 monitors of the United Nations High Commission
19 for Refugees in areas of conflict in Sudan; and

20 (4) press for UNICEF, International Com-
21 mittee of the Red Cross, or the International Fed-
22 eration of Red Cross and Red Crescent Societies, or
23 other appropriate international organizations or
24 agencies to maintain a registry of those individuals

1 who have been abducted or are otherwise held in
2 bondage or servitude in Sudan.

3 **SEC. 7. SUPPORTING SANCTIONS AGAINST SUDAN.**

4 (a) Until the President determines, and so certifies
5 to Congress, that the Government of Sudan has—

6 (1) fully committed to and has made verifiable
7 progress toward a comprehensive, peaceful solution
8 to the war within the IGAD-sponsored peace process
9 or has otherwise committed to and made verifiable
10 progress in a good faith effort with both northern
11 and southern opposition toward a comprehensive so-
12 lution to the conflict based on the Declaration of
13 Principles reached in Nairobi Kenya, on July 20,
14 1994,

15 (2) made substantial and verifiable progress in
16 controlling the raiding and slaving activities of all
17 regular and irregular forces, including Popular De-
18 fense Forces and other militias and murahallin,

19 (3) instituted credible reforms with regard to
20 providing basic human and civil rights to all Suda-
21 nese, and

22 (4) ceased aerial bombardment of civilian tar-
23 gets,

24 the following are prohibited, except to the extent provided
25 in section 203(b) of the International Emergency Eco-

1 nomic Powers Act (50 U.S.C. 1702(b)) and in regulations,
2 orders, directives, or licenses that may be issued pursuant
3 to this section:

4 (A) The importation into the United States
5 of any goods or services of Sudanese origin,
6 other than information or informational mate-
7 rials.

8 (B) The exportation or reexportation, di-
9 rectly or indirectly, to Sudan of any goods,
10 technology (including technical data, software,
11 or other information), or services from the
12 United States or by a United States person,
13 wherever located, or requiring the issuance of a
14 license by a Federal agency, except for dona-
15 tions of articles intended to relieve human suf-
16 fering, such as food, clothing, and medicine.

17 (C) The facilitation by a United States
18 person, including but not limited to brokering
19 activities of the exportation or reexportation of
20 goods, technology, or services from Sudan to
21 any destination, or to Sudan from any location.

22 (D) The performance by any United States
23 person of any contract, including a financing
24 contract, or use of any other financial instru-

1 ment, in support of an industrial, commercial,
2 public utility, or governmental project in Sudan.

3 (E) The grant or extension of credits or
4 loans by any United States person to the Gov-
5 ernment of Sudan.

6 (F) Any transaction by a United States
7 person relating to transportation of cargo to or
8 from Sudan; the provision of transportation of
9 cargo to or from the United States by any Su-
10 danese person or any vessel or aircraft of Suda-
11 nese registration; or the sale in the United
12 States by any person holding authority under
13 subtitle 7 of title 49, United States Code, of
14 any transportation of cargo by air that includes
15 any stop in Sudan.

16 (G) Any transaction by any United States
17 person or within the United States that evades
18 or avoids, or has the purpose of evading or
19 avoiding, or attempts to violate, any of the pro-
20 hibitions set forth in this section.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that the sanctions in subsection (a), and in the
23 President’s Executive Order of November 4, 1997, should
24 be applied to include the sale of stocks in the United
25 States or to any United States person, wherever located,

1 or any other form of financial instruments or derivatives,
2 in support of a commercial, industrial, public utility, or
3 government project or transaction in or with Sudan.

4 (c) NATIONAL SECURITY WAIVER.—The President
5 may waive the application of any of the sanctions de-
6 scribed in subsection (a) if he determines and certifies to
7 Congress that it is important to the national security of
8 the United States to do so.

9 (d) REPORT.—Beginning 3 months after the date of
10 enactment of this Act, and every 3 months thereafter, the
11 President shall submit a report to Congress on—

12 (1) the specific sources and current status of
13 Sudan’s financing and construction of oil exploi-
14 tation infrastructure and pipelines;

15 (2) the extent to which that financing was se-
16 cured in the United States or with involvement of
17 United States citizens;

18 (3) such financing’s relation to the sanctions
19 described in subsection (a) and the Executive Order
20 of November 4, 1997;

21 (4) the extent of aerial bombardment by the
22 Government of Sudan forces in areas outside its con-
23 trol, including targets, frequency, and best estimates
24 of damage;

1 (5) the number, duration, and locations of air
2 strips or other humanitarian relief facilities to which
3 access is denied by any party to the conflict; and

4 (6) the status of the IGAD-sponsored peace
5 process, including the specific and verifiable steps
6 taken by parties to the conflict, the members of the
7 IGAD Partners Forum, and the members of IGAD
8 toward a comprehensive solution to the war.

9 (e) STATUTORY CONSTRUCTION.—Nothing in this
10 section shall prohibit—

11 (1) transactions for the conduct of the official
12 business of the Federal Government or the United
13 Nations by employees thereof;

14 (2) transactions in Sudan for journalistic activ-
15 ity by persons regularly employed in such capacity
16 by a news-gathering organization; or

17 (3) legitimate humanitarian operations.

18 (f) DEFINITIONS.—In this section—

19 (1) the term “entity” means a partnership, as-
20 sociation, trust, joint venture, corporation, or other
21 organization;

22 (2) the term “Government of Sudan” includes
23 the Government of Sudan, its agencies, instrumen-
24 talities and controlled entities, and the Central Bank
25 of Sudan;

1 (3) the term “person” means an individual or
2 entity; and

3 (4) the term “United States person” means any
4 United States citizen, permanent resident alien, enti-
5 ty organized under the laws of the United States
6 (including foreign branches), or any person in the
7 United States.

8 **SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).**

9 It is the sense of Congress that the President should
10 organize and maintain a formal consultative process with
11 the European Union, its member states, the members of
12 the United Nations Security Council, and other relevant
13 parties on coordinating an effort within the United Na-
14 tions to revise the terms of OLS to end the veto power
15 of the Government of Sudan over the plans by OLS for
16 air transport relief flights.

17 **SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR**
18 **RELIEF EFFORTS.**

19 (a) FINDING.—Congress recognizes the progress
20 made by officials of the executive branch of Government
21 toward greater utilization of non-OLS agencies for more
22 effective distribution of United States relief contributions.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the President should continue to increase the

1 use of non-OLS agencies in the distribution of relief sup-
2 plies in southern Sudan.

3 (c) REPORT.—Not later than 90 days after the date
4 of enactment of this Act, the President shall submit a de-
5 tailed report to Congress describing the progress made to-
6 ward carrying out subsection (b).

7 **SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANS-**
8 **PORT RELIEF FLIGHTS.**

9 (a) PLAN.—The President shall develop a detailed
10 and implementable contingency plan to provide, outside
11 United Nations auspices, the greatest possible amount of
12 United States Government and privately donated relief to
13 all affected areas in Sudan, including the Nuba Moun-
14 tains, Upper Nile, and southern Blue Nile, in the event
15 the Government of Sudan imposes a total, partial, or in-
16 cremental ban on OLS air transport relief flights.

17 (b) ELEMENT OF PLAN.—The plan developed under
18 subsection (a) shall include coordination of other donors
19 in addition to the United States Government and private
20 institutions.

21 (c) REPORT.—Not later than 2 months after the date
22 of enactment of this Act, the President shall submit a clas-
23 sified report to Congress on the costs and startup time
24 such a plan would require in the event of a total ban on
25 air transport relief flights or in the event of a partial or

1 incremental ban on such flights if the President has made
 2 the determination required by subsection (a)(2).

3 (d) REPROGRAMMING AUTHORITY.—Notwith-
 4 standing any other provision of law, in carrying out the
 5 plan developed under subsection (a), the President may
 6 reprogram up to 100 percent of the funds available for
 7 support of OLS operations (but for this subsection) for
 8 the purposes of the plan.

9 **SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION**
 10 **ASSISTANCE FOR REHABILITATION (STAR)**
 11 **PROGRAM.**

12 (a) SENSE OF CONGRESS.—Congress hereby ex-
 13 presses its support for the President's ongoing efforts to
 14 diversify and increase effectiveness of United States as-
 15 sistance to populations in areas of Sudan outside of the
 16 control of the Government of Sudan, especially the long-
 17 term focus shown in the Sudan Transition Assistance for
 18 Rehabilitation (STAR) program with its emphasis on pro-
 19 moting future democratic governance, rule of law, building
 20 indigenous institutional capacity, promoting and enhance-
 21 ing self-reliance, and actively supporting people-to-people
 22 reconciliation efforts.

23 (b) ALLOCATION OF FUNDS.—Of the amounts made
 24 available to carry out chapter 1 of part I of the Foreign
 25 Assistance Act of 1961 (22 U.S.C. 2151 et seq., relating

1 to development assistance) for the period beginning on Oc-
 2 tober 1, 1999, and ending on September 30, 2002,
 3 \$16,000,000 shall be available for development of a viable
 4 civil authority, and civil and commercial institutions, in
 5 Sudan, including the provision of technical assistance, and
 6 for people-to-people reconciliation efforts.

7 **SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUN-**
 8 **TAINS AND OTHER AREAS SUBJECT TO BANS**
 9 **ON AIR TRANSPORT RELIEF FLIGHTS.**

10 (a) FINDING.—Congress recognizes that civilians in
 11 the Nuba Mountains, Red Sea Hills, and southern Blue
 12 Nile regions of Sudan are not receiving assistance through
 13 OLS due to restrictions by the Government of Sudan.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
 15 gress that the President should—

16 (1) conduct comprehensive assessment of the
 17 humanitarian needs in the Nuba Mountains, Red
 18 Sea Hills, and Blue Nile regions of Sudan;

19 (2) respond appropriately to those needs based
 20 on such assessment; and

21 (3) report to Congress on an annual basis on
 22 efforts made under paragraph (2).

1 **SEC. 13. PROTECTING HUMANITARIAN OPERATIONS, SEPA-**
2 **RATING CIVILIANS FROM COMBATANTS, AND**
3 **REDUCING FOOD DIVERSION.**

4 (a) FINDINGS.—Congress finds that—

5 (1) diversion of food assistance from civilians to
6 combatants is a hindrance to an effective and com-
7 prehensive relief effort;

8 (2) the proximity of combatants to humani-
9 tarian operations for noncombatants poses a security
10 risk for both humanitarian relief personnel and for
11 those they serve;

12 (3) the lack of a reliable and adequate means
13 of securing food is a major factor in the ability of
14 populations in areas outside of the control of the
15 Government of Sudan to defend themselves from ag-
16 gression by Government of Sudan forces and related
17 militias or paramilitary groups, thus resulting in di-
18 versions of food; and

19 (4) options to address the situation are very
20 limited.

21 (b) AUTHORITY TO PROVIDE DIRECT FOOD ASSIST-
22 ANCE.—

23 (1) AUTHORITY.—For the purpose of mini-
24 mizing diversions of food assistance and to insulate
25 noncombatants and the relief operations which serve
26 them from combatants in areas outside the control

1 of the Government of Sudan, the President, acting
2 through appropriate Federal agencies, is authorized
3 to provide food assistance directly to the National
4 Democratic Alliance participants or other groups en-
5 gaged in the protection of civilian populations from
6 attacks from regular government forces, associated
7 militias, or other paramilitary groups supported by
8 the Government of Sudan.

9 (2) SUPERSEDES EXISTING LAW.—The author-
10 ity of paragraph (1) supersedes any other provision
11 of law.

12 (c) LIMITATION.—The assistance described in sub-
13 section (b) may only be provided in such a way that—

14 (1) does not endanger, compromise, or other-
15 wise reduce the United States' support for existing
16 unilateral, multilateral, or private humanitarian op-
17 erations or the beneficiaries of those operations; or

18 (2) compromise any ongoing or future people-
19 to-people reconciliation efforts in Sudan.

20 (d) RELATION TO CURRENT OR FUTURE HUMANI-
21 TARIAN OPERATIONS.—The assistance described in sub-
22 section (b) shall be implemented separate from and not
23 in proximity to current humanitarian efforts, both within
24 Operation Lifeline Sudan or outside of Operation Lifeline

1 Sudan, or any other current or future humanitarian oper-
2 ations which serve noncombatants.

3 (e) DETERMINATIONS OF ELIGIBILITY.—In deter-
4 mining the eligibility of potential recipients described in
5 subsection (b), the President shall take into account the
6 groups' respect for human rights, civil authority, civil in-
7 stitutions, and the integrity of ongoing humanitarian oper-
8 ations.

9 (f) REPORT.—The President shall submit a report to
10 Congress, in classified form if necessary—

11 (1) describing the effectiveness in preventing di-
12 versions of such food assistance;

13 (2) whether or not the provision of such food
14 assistance has resulted in or has the potential to in-
15 advertently allow for the enrichment of any indi-
16 vidual or organization by the resale or other transfer
17 of the assistance for other purposes, either to the in-
18 tended recipients or other parties;

19 (3) whether such operations have affected ongo-
20 ing humanitarian operations described in subsections
21 (c) or operations described in subsection (d); and

22 (4) the extent to which the provision of assist-
23 ance in subsection (b) has impacted respect for
24 human rights and rule of law.

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